



The Honorable David C. Godbey
United States District Judge
Northern District of Texas
1100 Commerce Street, Room 1504
Dallas, Texas 75242-1003

Via CM/ECF

October 9, 2019

RE: *Daves v. Dallas County*, No. 3:18-cv-154 (N.D. Tex.)

The Parties write this letter to address the pending Rule 26(f) Case Management Report, in which the Parties jointly asked this Court to enter a variety of case management deadlines, including a deadline of November 15, 2019 for the close of written discovery. *See* Dkt. 198 at 5–10. There is currently no case management order in this case, and the Parties now write to inform this Court about the status of discovery, the need for an extension of time from the deadlines proposed in the Parties’ Report, and to respectfully request that this Court not order the Parties to comply with the deadlines they proposed in their April 2019 26(f) Report. A modified Rule 26(f) Report with amended proposed deadlines is forthcoming.

Because of the volume of discovery to be produced, the Parties cannot complete written discovery by November 15, 2019. The Parties are working diligently to propose specific, new deadlines for a case management order. The Parties have met and conferred via phone four times since Plaintiffs propounded discovery requests upon Defendants in April and are endeavoring to

work cooperatively to resolve discovery disputes and facilitate discovery production. The Parties will conduct another Rule 26(f) conference in the coming weeks, after more discovery is completed, and will submit a modified Rule 26(f) Report that requests that new case management deadlines be incorporated into a case management order.

On April 15, 2019, Plaintiffs propounded requests for production of documents upon Defendants (Plaintiffs' Third Request for Production of Documents to the Felony Judge Defendants and Plaintiffs' Fourth Request for Production of Documents to the Dallas County Defendants ("document requests")). In the five months since Plaintiffs propounded the document requests, the Felony Judges have produced 60 documents and the County Defendants have produced over 7,000 documents.

The Parties met and conferred most recently on September 23, 2019 to discuss the status of discovery production. Dallas County informed Plaintiffs that they still have about 200,000 documents to review and produce pursuant to the Parties agreed upon search protocol for the discovery requests. The Felony Judges informed Plaintiffs that they have about 250,000 documents to review and produce (although about 130,000 of those documents can be easily segregated and produced separately) pursuant to the agreed upon search protocol. Further, due to technological issues, the County Defendants have yet to produce any of the videos Plaintiffs requested on April 15.

The Parties note that the Plaintiffs and County Defendants disagree about the proper scope of the discovery requests, namely whether and to what extent documents created prior to the filing of the Complaint are relevant. Because Plaintiffs challenge the policies that were in place when

the Complaint was filed in January 2018, Plaintiffs contend that documents and information from prior to filing are relevant to the claims and defenses at issue in this litigation. The County Defendants disagree and object to producing any documents from prior to the date the lawsuit was filed, other than emails of the presiding magistrate judge. The Parties will continue to work together to resolve this and other discovery disputes and will present any discovery disputes they are unable to resolve, once ripe for review, to the Magistrate Judge.

Respectfully Submitted,

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